



**Jared Blumenfeld**  
Secretary for  
Environmental Protection



## Department of Toxic Substances Control

Meredith Williams, Ph.D., Director  
8800 Cal Center Drive  
Sacramento, California 95826-3200



**Gavin Newsom**  
Governor

February 23, 2021

CERTIFIED MAIL NO.: 7011-3500-0003-0298-2029  
(Return Receipt Requested)

Schnitzer Steel Industries, Inc.  
c/o CT Corporation System  
28 Liberty Street  
New York, New York 10005

IN THE MATTER OF: ENFORCEMENT ORDER FOR CORRECTIVE ACTION,  
SCHNITZER STEEL INDUSTRIES, INC., 1101 EMBARCADERO WEST, OAKLAND,  
CALIFORNIA (DOCKET NO. HWCA-FY20/21-006) (ENFORCEMENT ORDER)

Dear Respondent:

The Department of Toxic Substances Control (DTSC) received your September 11, 2020 letter (Letter) responding to the draft *Corrective Action Consent Agreement* (CACA) prepared by DTSC for the Schnitzer Steel Industries, Inc. (Schnitzer) metal shredding facility located at 1101 Embarcadero West, Oakland, California (Facility). In its Letter, Schnitzer declined to enter into the CACA and claimed that DTSC has no factual or legal basis for DTSC to issue the draft CACA.

DTSC disagrees with Schnitzer's position. Health and Safety Code Section 25187, subdivision (b), authorizes DTSC to issue an order requiring corrective action to address a release of hazardous wastes or hazardous waste constituents at or from a hazardous waste facility. As a state agency charged with protecting public health and the environment, DTSC has authority to require corrective action when it determines that releases of hazardous waste or hazardous waste constituents may have occurred or are continuing to occur from a facility. A "hazardous waste facility" subject to corrective action "includes the entire site that is under the control of an owner or operator engaged in the management of hazardous waste." (Health & Safety Code,

§ 25187, subd. (b)(6)). As described in both the CACA and the attached Enforcement Order, the Schnitzer Facility is a hazardous waste facility subject to corrective action.

DTSC has conducted several inspections in and around the Facility and has determined that releases of hazardous waste and hazardous waste constituents have occurred. Since providing Schnitzer with the CACA for signature, DTSC inspected the area surrounding the Facility in November 2020. While evaluating the area around the Facility, DTSC observed light fibrous material (LFM) deposited at several locations.

Samples collected during this inspection contained concentrations of lead and/or zinc that exceeded hazardous waste levels. During subsequent inspections, DTSC has consistently observed LFM in the area surrounding the Facility.

Enclosed please find the executed Enforcement Order and related documents concerning the release of hazardous waste or hazardous waste constituents from:  
**Schnitzer Steel Industries, Inc., 1101 Embarcadero West, Oakland, California.**

As indicated in the enclosures, you have a right to a hearing. A WRITTEN REQUEST FOR A HEARING MUST BE DELIVERED TO THE DEPARTMENT OF TOXIC SUBSTANCES CONTROL OR POSTMARKED WITHIN 20 DAYS OF THE DATE OF THIS LETTER (BY MARCH 15, 2021) OR YOU WILL WAIVE YOUR RIGHT TO A HEARING.

If you have any questions, please contact Cheryl Prowell, DTSC Unit Chief at (916) 251-8328 or via email at [Cheryl.Prowell@dtsc.ca.gov](mailto:Cheryl.Prowell@dtsc.ca.gov). Your counsel may contact Colin Roberts, DTSC Senior Staff Counsel, via email at [Colin.Roberts@dtsc.ca.gov](mailto:Colin.Roberts@dtsc.ca.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "S Becker", is written over a horizontal line.

Steven Becker  
Branch Chief  
SSFL and LABRIC Branch  
Department of Toxic Substances Control  
[Steven.Becker@dtsc.ca.gov](mailto:Steven.Becker@dtsc.ca.gov)

Schnitzer Steel Industries, Inc.  
February 23, 2021  
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Enclosure(s):

- *Enforcement Order*
- *Discovery*
- *Notice of Defense*
- *Statement to Respondent*

cc: (via mail)

Schnitzer Steel Incorporated Industries, Inc.  
299 SW Clay Street, Suite 350  
Portland, Oregon 97201

CERTIFIED MAIL NO. 7011-3500-0003-0298-3071  
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